

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

JENNIFER LUZIETTI)	
Plaintiff,)	
v.)	CASE NO. 3:16-cv-0126
)	Judge Trauger
LOEWS HOTEL SERVICES)	Magistrate Judge Frensley
COMPANY, LLC.)	
Defendant.)	

REPORT AND RECOMMENDATION

The undersigned held a telephone status conference in this matter on August 29, 2017. Present for the call were pro se plaintiff, Jennifer Luzietti and counsel for the defendant, Marcus Crider. The purpose of the telephone conference was to discuss a letter filed with the court by Ms. Luzietti. Docket No. 41. In the letter, Ms. Luzietti recounts that she was previously represented by Andy L. Allman and discusses some matters related to the claims asserted in her lawsuit. In addition, Ms. Luzietti states the following: "At this time I would like to move to amend the pleadings of the compliant (sic). I wish to cancel or terminate the compliant (sic)." *Id.* Ms. Luzietti did not file a proposed amended complaint or anything else subsequent to her letter to the court.

Ms. Luzietti stated to the court that it was her desire and intention to dismiss her action rather than to amend the complaint. The court clarified that Ms. Luzietti intended her letter to the court to serve as motion to dismiss the action and that she did not wish to continue to pursue the litigation.

Based upon the statements of Ms. Luzietti at the status conference the undersigned construes her letter as a motion to dismiss. Having discussed the issue with Ms. Luzietti and

clarified her intention and desire to terminate the litigation, the undersigned recommends that the court dismiss this action without prejudice.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has ten (10) days from receipt of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have ten (10) days from receipt of any objections filed in this Report in which to file any response to said objections. Failure to file specific objections within ten (10) days of receipt of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *Thomas v. Arn*, 474 U.S. 140, 106 S.Ct. 466, 88 L.Ed. 2d 435 (1985), *reh'g denied*, 474 U.S. 1111 (1986).



JEFFERY S. FRENSLEY
U. S. Magistrate Judge